

1 **ORDINANCE SUMMARY**

2 The ordinance proposes to amending Section 23-21, Lake County Code, regarding Additional Garbage
3 Cart Rules. The purpose of the ordinance is to require non bear-resistant Garbage Carts containing
4 household garbage to be secured from bear intrusion until the Cart is permitted to be placed Curbside for
5 Collection. The ordinance also gives customers the ability to utilize County approved bear resistant
6 garbage carts when available.
7

8 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code
9 sections. The notation “* * *” indicates that all preceding or subsequent text remains unchanged.
10 Renumbering and/or relettering were added as needed.

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12
13 **ORDINANCE 2016 – ____**
14

15 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
16 **COUNTY, FLORIDA; AMENDING SECTION 23-21, LAKE COUNTY CODE,**
17 **ENTITLED ADDITIONAL GARBAGE CART RULES; REQUIRING THAT**
18 **GARBAGE CARTS BE SECURED FROM BEAR INTRUSION; ALLOWING**
19 **FOR USE OF COUNTY-APPROVED, BEAR-RESISTANT CARTS; REQUIRING**
20 **NON-BEAR RESISTANT CARTS TO BE PROPERLY SECURED TO PREVENT**
21 **BEAR INTRUSION; PROVIDING FOR INCLUSION IN THE CODE;**
22 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE;**
23 **PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE**
24 **DATE.**

25
26 **WHEREAS**, pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125,
27 Florida Statutes, the County is authorized to protect the public health, safety, and welfare of its residents;
28 and
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30 **WHEREAS**, according to the Florida Fish and Wildlife Conservation Commission (FWC), black
31 bears have recovered from population declines; and
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33 **WHEREAS**, as a consequence of this recovery, there has been an increase in human-bear
34 interactions within urban and rural areas; and
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36 **WHEREAS**, black bears are attracted to unsecured garbage containers, and the majority of
37 interactions are associated with unsecured garbage containers;
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39 **WHEREAS**, FWC lists Lake County as having the second highest reports of bear complaints in
40 the State of Florida; and
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42 **WHEREAS**, the Board of County Commissioners finds that it is in the best interests of the
43 citizens of Lake County to enact these provisions.
44

45 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
46 County, Florida, as follows:
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1 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by
2 reference.

3
4 **Section 2. Amendment.** Section 23-21, Lake County Code, entitled Additional Garbage
5 Cart Rules, shall be amended to read as follows:

6 **Sec. 23-21. Additional garbage cart rules.**

7 Use of Garbage Carts and Set-Out Procedures are as follows:

- 8 (a) All Customers in Lake County shall place all of their Garbage and Rubbish in their Garbage
9 Cart in order to receive Residential Collection Service. Customers shall not put Yard Trash in
10 their Garbage Cart and are strongly encouraged to refrain from putting Recycling in their
11 Garbage Cart.
- 12 (b) Customers shall place their Garbage Cart at the Curbside, unless an alternative location is
13 agreed upon by the Customer and the Director, on the Scheduled Collection Day prior to six
14 o'clock (6:00) a.m. ~~on the Scheduled Collection Day~~. The Customer shall place the Garbage
15 Cart such that the handles and the wheels face away from the road.
- 16 (c) All Garbage must be placed inside the Garbage Cart, and no Garbage placed outside the
17 Garbage Cart will be picked up, except upon approval of the Director. At the Collection
18 immediately following a Holiday, Customers may place unlimited amounts of Garbage and
19 Rubbish at the curb, and the Garbage and Rubbish may be placed inside the Garbage Cart or in
20 any other container or Plastic Bag, as long as the Customer adheres to weight and capacity
21 limitations stated herein for Garbage Carts and other disposal containers.
- 22 (d) A Customer may purchase a second Garbage Cart so long as the Customer pays the
23 accompanying fee and delivery fee for the second cart, and an annual fee for additional
24 disposal. If a Customer's home is located a significant distance from the Curbside, the Director
25 may authorize two (2) thirty five (35)-gallon Garbage Carts instead of one (1) sixty four (64) or
26 ninety six (96)-gallon Garbage Cart, at no additional cost to the Customer.
- 27 (e) A Customer shall not place their Garbage and Rubbish in another Person's Garbage Cart or
28 disposal container, or Set Out Garbage and Rubbish for Collection on property not owned or
29 occupied by the Customer.
- 30 (f) A Customer shall only Set Out for Collection the Garbage and Rubbish that is generated at the
31 Customer's dwelling.
- 32 (g) Garbage Carts shall not be loaded with more than one hundred fifty (150) pounds or the cart's
33 rated capacity, as shown on the lid of the cart, whichever is less. Other disposal containers shall
34 not be loaded with more than fifty (50) pounds of material.
- 35 (h) Customers are responsible for removing their Garbage Carts from the right-of-way, replacing
36 them on their property and properly securing them by ten o'clock (10:00) p.m. on the day of
37 Collection Service.

38 (i) Customers shall have the option of using a County-approved, bear-resistant Garbage Cart, if
39 available. Non bear-resistant Garbage Carts containing household garbage shall be secured
40 from bear intrusion until the Cart is permitted to be placed Curbside for Collection.

41 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is held
42 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
43 affect the validity of the remaining portions of this Ordinance.
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Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 6. Effective Date. This Ordinance shall not become effective unless the Board of County Commissioners is awarded a grant from the Florida Fish and Wildlife Conservation Commission supporting the purchase of bear-resistant garbage containers. The effective date of this ordinance shall be the date the grant is awarded. Proof of award shall be filed with the Clerk's office.

Enacted this _____ day of _____, 2016.

Filed with the Secretary of State _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Sean M. Parks, Chairman

This _____ day of _____, 2016.

Approved as to form and legality:

Melanie Marsh
County Attorney